

Explanatory Memorandum to: The National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment) (No.2) Regulations 2009

This Explanatory Memorandum has been prepared by the Department for Health and Social Services and is laid before the National Assembly for Wales in accordance with Standing Order 24.1.

Description

This Explanatory Memorandum makes changes to the NHS (Travelling Expenses and Remission of Charges) Regulations (Wales) (2007) to keep the current upper capital limit but increase the lower capital limit, used as the basis for calculating entitlement to the payment of travel expenses and the remission of charges, for those people living permanently in residential care under those Regulations. And makes changes to increase the amount of income a person who is in receipt of tax credits may receive whilst continuing to be entitled to full remission of relevant NHS charges and payment of relevant travelling expenses under the Regulations.

Matters of special interest to the Subordinate Legislation Committee
None

Legislative Background

Sections 130, 131, 132 and 203(9) and (10) enable the Welsh Ministers to make Regulations that deal with the payment of NHS travelling expenses and the remission of certain NHS Charges. This instrument will follow the negative resolution procedure. This means that it will be made and laid before the National Assembly for Wales but should not be brought into force until at least 21 (calendar) days from the date of laying. However, in addition, there is a 40 (calendar) day period which also commences from the date of laying whereby a Member may table a motion seeking the annulment of the instrument. Unless an annulment motion is tabled, there shall be no debate of this instrument in Plenary.

Purpose and intended effect of the legislation

Income based entitlement to help with health costs may be available through the NHS Low Income Scheme (LIS) to those who are not automatically entitled through receipt of a passporting benefit such as income support. In the main, these regulations rely on the Income Support (General) Regulations (IS Regulations) for the calculation of income, capital and requirements.

The Prescription Pricing Division (PPD) administers the LIS on behalf of all four home nations. The processing system within PPD Patient Services applies a single set of LIS rules to all the applications received with very small variations relating to capital limits. With these small exceptions it is not possible to process applications from Wales differently from applications from England, Scotland or Northern Ireland.

This arrangement was developed before devolution, when the Department of Health was the lead Department for the NHS (Travel Expenses & Remission of Charges) Regulations.

Implementation

Since devolution we have striven to maintain parity on policy with regard to the income disregards and other matters, although there has been some variance in providing more generous capital limits.

If no legislation is made the Prescription Pricing Division will continue to process Welsh claims based on last year's capital limits, meaning that claimants won't benefit from the proposed uplift.

Consultation

There has been no consultation with stakeholders because these are technical changes to the Regulations.

Regulatory Impact Assessment

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

Summary

This Order, if enacted will ensure that equity of access to help with NHS charges is maintained across the devolved administrations.